GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Industries & Commerce Department - Mines & Geology - Vigilance Report - Allegations of irregularities against the Contractor of Bhupatipalam Reservoir Project on sale of surplus 40 mm Metal to other Contractors East Godavari District- Sri K. Venkata Rao, the then Asst. Director of Mines & Geology ADM&G Rajahmundry. - Departmental Proceedings under Rule -20 of Andhra Pradesh Civil Services (Classification, Control and Appeal)Rules, 1991 - Articles of charges - issued.

INDUSTRIES AND COMMERCE (VIG) DEPARTMENT

G.O.RT.No. 5 Dated: 04-01-2021.

Read the following:

1. From the GA(V&E) Dept Vigilance Report No. 18, Dt:29.09.2014.
2. Govt. Memo No. 11128/Vig.A1/2014; Dt: 21.06.2019.
3. From DMG, Letter No. 13597/E1/Vg/2014; Dt: 17.10.2019
4. G.O Rt No.1, Ind & Com (Vig) Dept., dated.04.01.2021

ORDER:

It is proposed to hold an inquiry against Sri K. Venkata Rao, the then Asst. Director of Mines & Geology ADM&G Rajahmundry., presently working as Assistant Director of Mines & Geology, Anakapalli in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules,1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges and statement imputations (Annexure-I&II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (III & IV).

3. Sri K. Venkata Rao, the then Asst. Director of Mines & Geology ADM&G Rajahmundry, presently working as Assistant Director of Mines & Geology, Anakapalli, is directed to submit his written statement of defence within 10 days from the date of receipt of this order and also to state whether he desires to be heard in person.

4. Sri K. Venkata Rao, the then Asst. Director of Mines & Geology ADM&G Rajahmundry, presently working as Assistant Director of Mines & Geology, Anakapalli is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri K. Venkata Rao, the then Asst. Director of Mines & Geology ADM&G, Rajahmundry., presently working as Assistant Director of Mines & Geology, Anakapalli is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above further action will be taken based on the material available.

6. Attention of Sri K. Venkata Rao, the then Asst. Director of Mines & Geology ADM&G, Rajahmundry, presentiy working as Assistant Director of Mines & Geology, Anakapalli is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, and AP Revised Pension Rules 1980 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri K. Venkata Rao, the then Asst. Director of Mines & Geology ADM&G Rajahmundry, presently working as Assistant Director of Mines & Geology, Anakapalli is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of the G.O may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri K. Venkata Rao, the then Asst. Director of Mines & Geology Rajahmundry, presently working as Assistant Director of Mines & Geology, Anakapalli. (Through Director of Mines & Geology)
The Director of Mines and Geology Ibrahimpatnam Vijayawada (with request to serve & return served copy to Government)
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

Article of Charges against Sri K.Venkata Ra, the then ADM&G, Rajahmundry and at present ADM&G, Anakapalli.

Charge No.1

That he while working as Asst. Director of Mines & Geology, Rajamahendravaram, the following irregularities have taken place during his tenure from (Tenure 30.04.2008 to 05.07.2009)

Failed to obtain quarterly returns from the lease holder (i.e., EE Musurumilli Division, Dowleswaram)

The V&E Officials mentioned that on verification of the records revealed that the lessee (EE, Musurumilli Division, Dowlaiswaram) or Maytas Infra Pvt Ltd/ executing agency have not maintained and submitted any quarterly returns in form -C not produced to ADM&G and DDM&G during the entire quarry lease period of 2 years 8 months, the department was not taken as a serious lapse which is against the APMMC Rules 1966.

Further the lease holder has failed to maintain and produce accounts showing the quantity and other particulars of all minor minerals obtained and dispatched in the quarry in Form-C. The above procedural irregularities were observed and it is against the APMMC Rules 1966, thus he violated Rule-3 of APCS Conduct Rules 1964.

Charge No.2

Failed to appraise rule positions stipulated in the Agency Tracts Interest and Land Transfer Act,1917 (Act No. 1 of 1971), before the Project Director, ITDA, Rampachodavaram during execution of the work.

The quarry lease was granted in favour of EE, Musurumilli Division, Dowlaiswaram Mandal over an extent of 3.00 Acres for a period of 2 years and the lease deed executed on 20.07.2007 and work orders have been given vide Proc.No.339/Q1/2007, dt. 20.07.2007 and the lease period will be in force upto 19.07.2009 in favour of EE, Musurumalli Division, Dowlaiswaram for utilising the metal in the work of Bhupathipalem reservoir project subjected to the satisfaction of APMMC Rules 1966. But leasing out the quarry land to the EE is not only against the conditions stipulated in the Agency Tracts interest and Land Transfer Act,1917 (Act No.l of 1971) but also against the CCA Rules in vogue. As per the above act, 'Immovable property' includes land and house property - Lease of Building in a scheduled area to a nontribal is void.

Charge No.3

Failed to obtain the NOC from Project officer, ITDA, Rampachodavaram for the extension period of 8 months.

The ADM&G and the DDM&G, Kakinada failed to appraise rule position stipulated in the above Act before obtaining the NOC from the Project Director, ITDA, Rampachodavaram. Further they failed to obtain the N.O.C from Project Officer, ITDA, Rampachodavaram for the extension period of 8 months. Hence the acts of the ADM&G and the DDM&G Kakinada is irregular and they are held responsible for the above lapse.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-II

Statement of imputation on Misconduct/Misbehaviour in support to the charges framed against Sri K. Venkata Rao, Raiahmundrv and at present ADM&G, Anakapalli (Tenure 30.04.2008 to 05.07.2009)

The V & E Department Officials mentioned that lease was granted in favour of EE, Musurumilli Division, Dowlaiswaram Mandal over an extent of 3.00 Acres for a period of 2 years and the lease executed on 20.07.2007 and work orders have been given vide Proc.No.339/Q1/2007, dated.20.207.2007 and the lease period will be in force upto 19.07.2009 in favour of EE, Musurumalli Division, Dowlaswaram for utilising the metal in the work of Bhupathipalem reservoir project subject to the satisfaction of APMMC Rules 1966. But leasing out the quarry land to the EE is not only against the conditions stipulated in the Agency Tracts interest and Land Transfer Act,1917 (Act No.l of 1971) but also against the CCA Rules in vogue. As per the above Act, 'Immovable property' includes land and house property - Lease of Building in a scheduled area to a non-tribal is void.

After completion of quarry lease period of 2 years i.e. from 20.07.2007 to 19.07.2009 the Executive Engineer, Musurumilli Division, Dowlaiswaram has applied for further extension of lease period of 8 months in Form-B to the DDM&G through ADM&G, Rajamundry vide Lr.No.EE/MMD/DWLM/DB/TO/Bl(0) 883, dt.12.08.2009 and requested upto 31.03.2010. After conducting detailed survey the ADM&G, Rajahmundry has recommended the grant proposals for extension of lease period of 08 months even though the lease holder was not submitted Form-C returns, records pertain to quarrying and crushing operations before 30th April every year or immediately after expiry of the lease whichever is earlier and quarried material was dispatched from the leased area without a valid permit issued by the AD concerned or the officer nominated by him.

Further the V&E Officials mentioned that on verification of the records revealed that the lessee (EE, Musurumilli Division, Dowlaiswaram) or Maytas Infra Pvt Ltd / executing agency have not maintained and submitted any quarterly returns in form-C not produced to ADM&G and DDM&G during the entire quarry lease period of 2 years 8 months which is against the APMMC Rules 1966.

Further the lease holder has failed to maintain and produce accounts showing the quantity and other particulars of all minor minerals obtained and dispatched in the quarry in Form-C. The above procedural irregularities were observed and it is against the APMMC Rules 1966 held responsible for the same and thus violated Rule -3 of APCS (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-III

DOCUMNETARY EVIDENCE:-

1.	RDO, Ramapachodavaram Lr. No. (C) 291/2007, Dt: 31.05.2007.
2.	ADM&G, Rajahmundry Lr.No. 339/Q1/2007, Dt: 15.06.2007 (Annexure - 6 of VR Report)
3.	PD, ITDA Lr. No. Rc. No.T8/R&R/64-2/2007, Dt: 02.07.2007. (Annexure - 5 of VR Report)
4.	DDM&G, Kakinada Procs. No. 1810/Q1/2007, Dt: 03.07.2007 (Annexure – 6a of VR Report)
5.	ADM&G, Rajahmundry Procs .No. 339/Q1/2007, Dt: 20.07.2007 (Annexure – 6b of VR Report)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-IV

List of Witnesses:

1.	Sri D.V.Ranga Kumar, Assistant Director of Mines & Geology, Rajahmundry & Deputy Director of Mines & Geology (FAC), Kakinada.
2.	Sri G. Srinivas, Assistant Geologist, O/o ADM&G, Rajahmundry.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT